

AN ORDINANCE annexing certain territory commonly known as the Moeller Road Annexation Area to Fort Wayne and including the same in Councilmanic District No. 1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 16, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the E 1/2 of Section 17, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the N 1/2 of Section 21, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, more particularly described as follows:

Beginning at the north quarter corner of said Section 16, said point also being the southwest corner of Sunnymede Woods Addition (Plat Book 16B, page 187, Office of the Allen County Recorder); thence southerly along the east line of the NW 1/4 of said Section 16, said line also being on the boundary of the East End Annexation (Ordinance No. X-01-90), to the northerly right of way of the Moeller Road; thence westerly along the northerly right of way of the Moeller Road and the northerly right of way of the Moeller Road projected westerly into said Section 17, said line also being on the boundary of said East End Annexation, to its intersection with the westerly right of way of the Meyer Road; thence southwesterly along the westerly right of way of the Meyer Road, said line also being on the boundary of said East End Annexation, to its intersection with the southerly right of way of the Consolidated Railroad Company (ie. Conrail) (formerly the Penn Central Railroad), said intersection also being the northerly right of way of the Moeller Road; thence northwesterly, westerly and northwesterly along the southerly right of way of Conrail, said line also being on the boundary of said East End Annexation, and also bounded in part by the northerly right of way of the Moeller Road to the northeast corner of an existing 1.60 acre tract recorded in Document No. 81-017695 in the Office of the Allen County Recorder, said point being 180.9 feet (measured on a line parallel with the south line of the NE 1/4 of said Section 17) east of the west line of the NE 1/4 of said Section 17 at said line's intersection with the southerly right of way of Conrail; thence southeasterly on a line through the E 1/2 of said Section 17 to a point on the west line of the SW 1/4 of said Section 16, said point being 200.00 feet north of the southwest corner of the SW 1/4 of said Section 16; thence easterly, parallel with the south line of the SW 1/4 of said Section 16 a distance of 1550.00 feet; thence southerly, parallel with the west line of the SW 1/4 of said Section 16 a distance of 200.00 feet to the south line of the SW 1/4 of said Section 16; thence southeasterly on a line through the N 1/2 of said Section 21 (said line defined at the westerly end as a point 1550.00 feet east of the northwest corner of said Section 21 and along the north line of the NW 1/4 of said Section 21 and at the easterly end as the intersection of southerly right of way of Conrail with the east line of the NE 1/4 of said Section 21) to its intersection with the westerly right of way of the Adams Center Road; thence northerly along the westerly right of way of the


Adams Center Road to its intersection with the northerly right of way of Conrail; thence northwesterly along the northerly right of way of Conrail to its intersection with the east line of the W 1/2 of the SE 1/4 of said Section 16; thence northerly along the east line of the W 1/2 of the SE 1/4 of said Section 16 and the east line of the W 1/2 of the NE 1/4 of said Section 16 to the north line of the NE 1/4 of said Section 16 said point also being the southeast corner of said Sunnymede Woods Addition; thence westerly along the north line of the NE 1/4 of said Section 16, said line also being on the boundary of the City of New Haven, Indiana's Sunnymede Annexation, to the point of beginning.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance. Two copies of said plan are on file in the office of the Clerk of the City of Fort Wayne and are available for inspection as required by law.

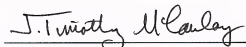
SECTION 4. That said described territory shall be temporarily assigned to Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended. This assignment is subject to redistricting pursuant to I. C. 36-4-6-3 (g).

SECTION 5. That, after adoption and any and all necessary approval by the Mayor, this Ordinance shall be published as provided for in I. C. 36-4-3-7. The above mentioned territory shall become part of the City of Fort Wayne on December 31, 1995. In the event of litigation challenging the ordinance, the territory shall become part of the City on the earlier of either December 31, 1995, or the first 28th day of February following any final judicial decisions resolving any legal challenge to the ordinance in favor of the City.



COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY



J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Jim Davis, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 12-13-94

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>		<u>1</u>	<u>2</u>
BRADBURY				<u>✓</u>
EDMONDS				<u>✓</u>
GIAQUINTA			<u>✓</u>	
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-10-95

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. X-01-95  
on the 10th day of January, 1995.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of January, 1995, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January, 1995, at the hour of 2:00 o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

BILL NO. X-94-12-13

REPORT OF THE COMMITTEE ON  
REGULATIONS  
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) annexing certain territory  
commonly known as the Moeller Road Annexation Area to Fort Wayne and  
including the same in Councilmanic District #1

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO ~~PASS~~

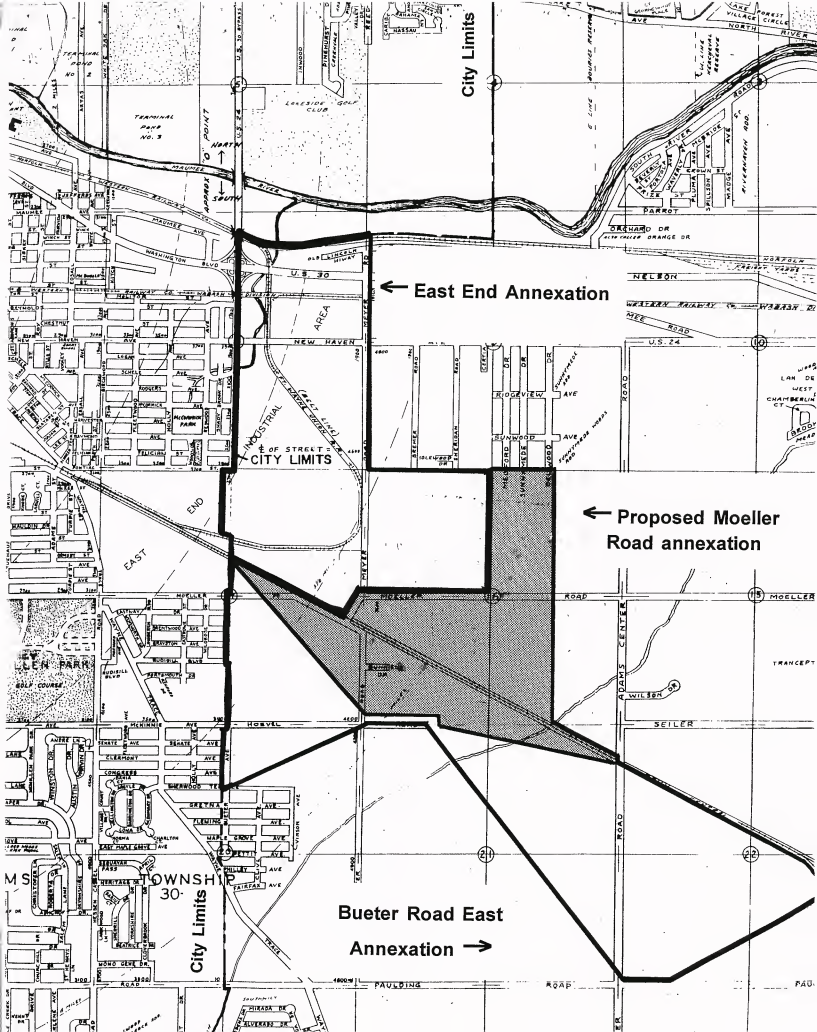
DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy  
City Clerk



City Limits

← East End Annexation

← Proposed Moeller Road annexation

Bueter Road East Annexation →

City Limits

TOWNSHIP 30

# FISCAL PLAN

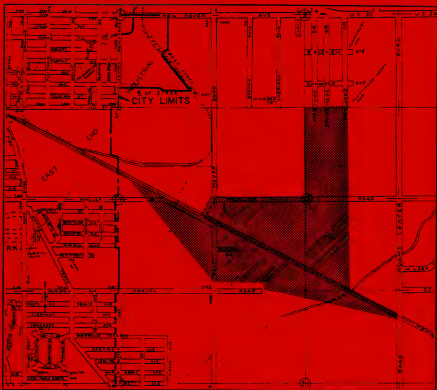
CITY OF FORT WAYNE  
PAUL HELMKE, MAYOR

December 1994



## Moeller Road Annexation

COMMUNITY & ECONOMIC



## ADMINISTRATION AND POLICY DIRECTION

Paul Helmke  
Mayor  
City of Fort Wayne

Gregg LaMar  
Director  
Division of Community & Economic Development

Gary Stair  
Director of Planning

### Fort Wayne City Plan Commission

Mel Smith, President  
Ernest Evans, Vice President  
Carol Kettler Sharp, Secretary  
James Hoch  
Linda Buskirk  
David Ross  
Mark E. GiaQuinta  
Vicky VerPlanck  
Thomas Quirk

Research & Preparation  
Pamela Holocher, Senior Planner  
Andrew Dobson, Planner I



## INTRODUCTION

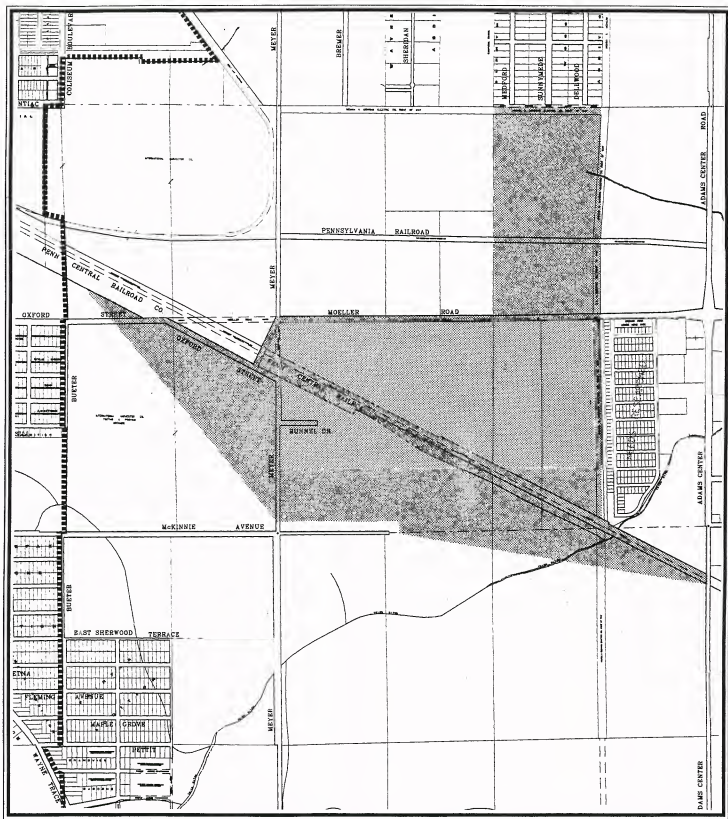
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Over the past 20 years, the City of Fort Wayne has been pursuing a vigorous policy for annexing land adjacent to its corporate limits. This proposal is a logical continuation of this policy.

This fiscal plan explains how the Moeller Road Annexation Area conforms to state law requirements. The plan also provides basic data about the area, describes the services which will be furnished to the area upon annexation by the City of Fort Wayne, and summarizes the fiscal impact of this annexation upon the City.

The proposed annexation area is approximately 371 acres in size and contains industrial, commercial, residential and agricultural land uses. In addition, there are several vacant tracts of land within this area. A map of the proposed annexation area is presented on the following page, Figure 1.

# MOELLER ROAD ANNEXATION



ANNEXATION AREA

## TABLE OF CONTENTS

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<b>INTRODUCTION</b> .....	ii
<b>SECTION ONE: Basic Data</b> .....	1
A. Location .....	1
B. Size .....	1
C. Population .....	1
D. Buildings .....	1
E. Patterns of Land Use .....	1
F. Zoning .....	3
G. Topography .....	3
H. Assessment .....	3
I. Net Tax Rates .....	3
J. Council District .....	5
K. Selected Area within Corporate Boundaries With Similar Topography, Patterns of Land use and Population Density .....	5
<b>SECTION TWO: The Comprehensive Annexation Program</b> .....	7
<b>SECTION THREE: State Law Requirements</b> .....	8
A. Introduction .....	8
B. One-Eighth Contiguous .....	8
C. Conclusion .....	8
<b>SECTION FOUR: Municipal Services</b> .....	10
A. Police .....	10
B. Fire Protection .....	11
C. Emergency Medical Service .....	11
D. Solid Waste Disposal .....	12
E. Traffic Control .....	13
F. Streets and Roads .....	13
G. Parks and Recreation .....	13
H. Water .....	14
I. Fire Hydrants .....	14
J. Sanitary Sewers .....	14
K. Storm Sewers .....	15
L. Street Lighting .....	15
M. Animal Control .....	15
N. Administrative Services .....	16
<b>SECTION FIVE: Plan for Hiring Governmental Employees Displaced by Annexation</b> .....	17

<b>SECTION SIX: Financial Summary and Recommendation</b> . . . . .	18
A. Revenues . . . . .	18
B. Expenditures . . . . .	19
C. Five Year Summary . . . . .	20
D. Recommendation . . . . .	21
<b>APPENDIX: Moeller Road Annexation Area Legal Description</b> . . . . .	22

## SECTION ONE

### Basic Data

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#### A. Location

The area proposed for annexation is located east of the City of Fort Wayne along Moeller Road. The proposed annexation area is generally bounded to the north by the boundaries of the East End Annexation (Ordinance X-05-90), to the west and south by the Bueter Road East Annexation (Ordinance X-01-92), and to the east by the eastern half of the eastern half of Section 16, Adams Township.

#### B. Size

The Moeller Road Annexation Area contains approximately 371 acres.

#### C. Population

Block statistics from the 1990 U.S. Census of Population and Housing indicate that 23 persons reside in the proposed annexation area.

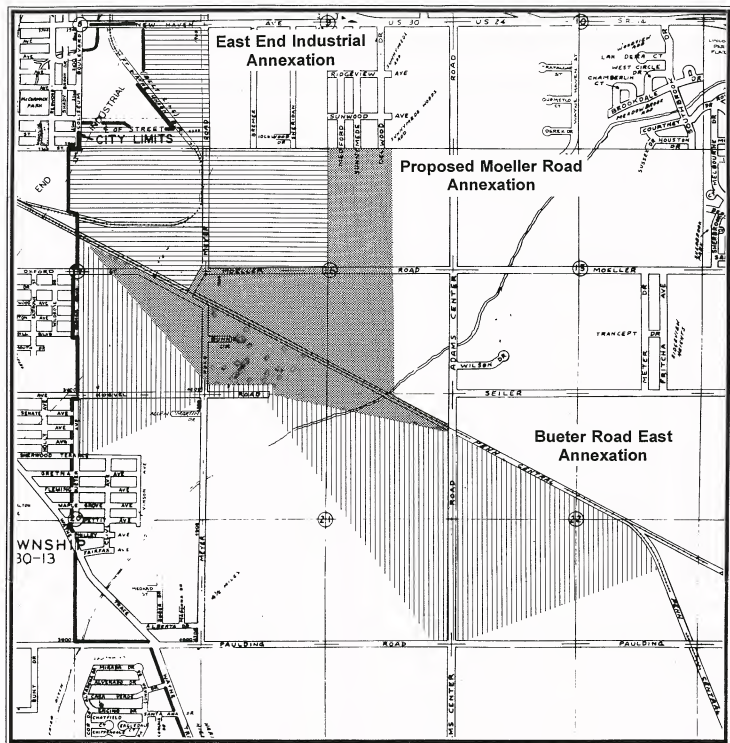
#### D. Buildings

Industrial	13 buildings in good condition
Commercial	12 buildings in good condition
Residential (single family)	5 buildings in good condition
Institutional (church)	1 building in good condition

#### E. Patterns of Land Use (approximations)

	Acres	Percent
Agriculture	165.9	44.8
Industrial	77.4	20.8
Commercial	60.0	16.2
Vacant	55.5	15.0
Residential (single family)	11.6	3.1
Institutional	.6	.1
Total	371	100

# MOELLER ROAD ANNEXATION



LOCATION

## **F. Zoning**

The Moeller Road Annexation Area contains three zoning classifications. Upon annexation, the area will be under the jurisdiction of the City Plan Commission and the zoning classifications will be as follows:

<b>County Zoning Classification</b>	<b>City Zoning Classification</b>
I1 Light Industrial	M1 Light Industrial
I2 General Industrial	M2 General Industrial
I3 Heavy Industrial	M3 Heavy Industrial

## **G. Topography**

The Moeller Road Annexation Area contains the following soil classifications: Morley Silt Loam, Pewamo silty clay loam, Blount silt loam, and Lenawee silty clay loam. According to United States Geological Survey maps, the highest point in this area is 800 feet and the lowest point is 760 feet.

## **H. Assessment**

**\$3,462,341.**

## **I. Net Tax Rates (1993 payable 1994)**

<b>Existing</b>	67 Adams Transit 12 Adams Township	\$7.077251 6.982655
<b>New</b>	64 Ft Wayne/Adams/New Haven Park EASCS	\$8.995397
<b>Increases</b>	from 67 Adams Transit from 12 Adams Township	\$1.918146 (27%) 2.012742 (28%)

[illegible]

**I-2 General Industrial**



#### **J. Council District**

The Moeller Road Annexation area will initially be assigned to City Council District 1, subject to any later statutorily-required reapportionment.

#### **K. Selected Area within Corporate Boundaries With Similar Topography, Patterns of Land use and Population Density**

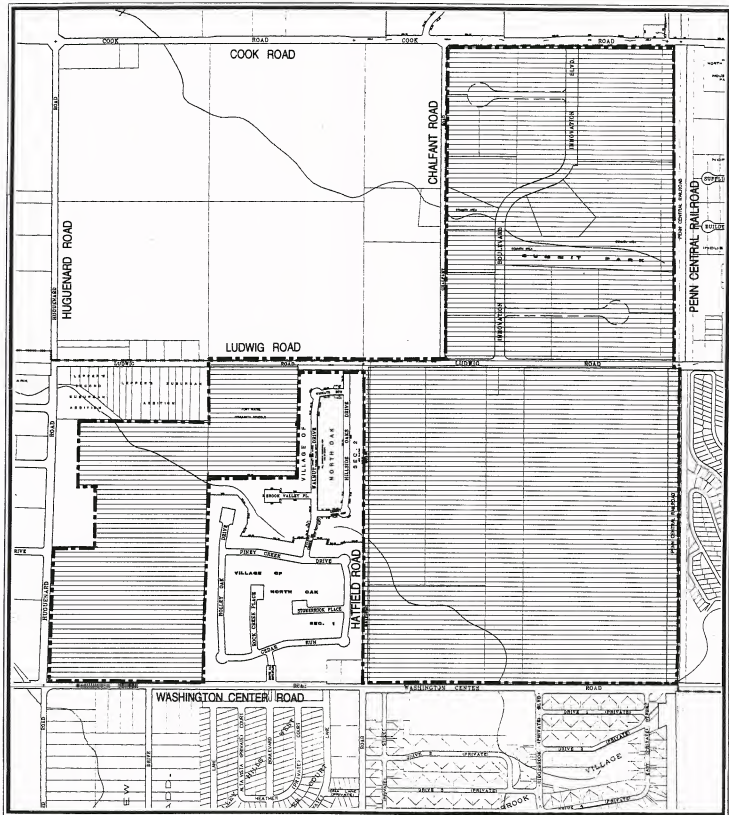
As the City has uniform service standards throughout its corporate boundaries, all areas of similar topography, patterns of land use and population density receive the same level of service. A representative area within the City comparable in topography, patterns of land use and population density to the Moeller Road Annexation area is the Summit Industrial Park area on the northwest edge of the City. Table 1 compares the two areas, and Figure 4 on the following page shows the location of the comparable area.

**Table 1**

	<b>Moeller Road Area</b>	<b>Summit Ind. Park Area</b>
Topography	gently sloping	gently sloping
Land Use Patterns	industrial, commercial, vacant, agricultural, residential	industrial, agricultural, vacant, residential
Population Density	less than one person/acre	less than one person/acre

No area within the City with similar topography, patterns of land use and population density as the Moeller Road annexation Area is receiving services higher in standard or scope than those services proposed for the Moeller Road Annexation area.

# MOELLER ROAD ANNEXATION



COMPARABLE AREA

(Summit Industrial Park)

## SECTION TWO

### The Comprehensive Annexation Program

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The annexation of the Moeller Road Area is part of a larger, comprehensive annexation program that was developed in a report prepared by the Department of Community Development and Planning in 1975 and which was subsequently updated in 1976. *The Annexation Policy and Program Study* was the culmination of a year and a half of extensive study and is used as a policy guide for the City's annexation program. The report recommends that "all urban land contiguous to the City limits should become part of the City" as should "all non-urban land required to compliment the annexation of urban land and provide the ability to control and manage urban growth."

## SECTION THREE

### State Law Requirements

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#### A. Introduction

When pursuing an annexation, a municipality must be sure that the proposed annexation is in accordance with State Law. The existing statute (IC 36-4-3) provides cities with two options for annexing areas. An annexing city must meet the guidelines of at least one of the options. The two options are:

1. The boundaries of the area must be at least one-eighth contiguous (12.5 percent) to the municipality and it must meet at least one of the following three conditions:
  - (a) have a population density of at least three persons per acre;
  - (b) be zoned for commercial, business, or industrial uses; or
  - (c) be at least sixty percent subdivided.
2. The boundaries of the annexation area must be at least one-fourth contiguous (25 percent) to the municipality and the area must be needed and can be used by the municipality for its development in the reasonably near future.

In both instances, the municipality must also prepare a written fiscal plan. The fiscal plan must provide cost estimates of the services to be furnished to the annexed territory, together with the methods of financing such services.

The Moeller Road Annexation Area meets the first option which has been established to determine the validity of annexations. The remainder of the section will be devoted to explaining how the Moeller Road Annexation Area meets this requirement.

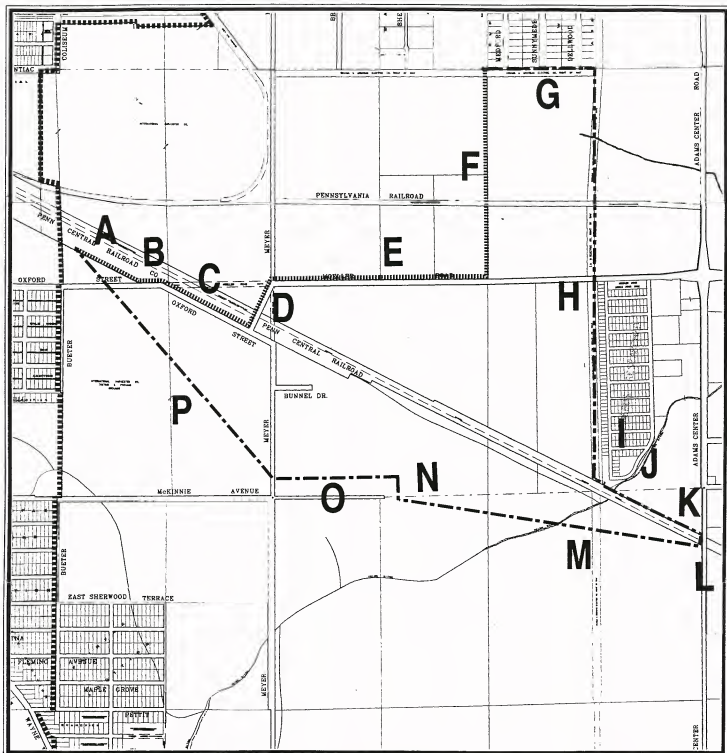
#### B. One-Eighth Contiguous

The Moeller Road Annexation Area meets the following conditions for annexation. First, as can be seen on the map on the following page, it is more than one-eighth or 12.5 percent contiguous to the City of Fort Wayne. Second, the area is zoned entirely for commercial and industrial uses.

#### C. Conclusion

The Moeller Road Annexation Area should be annexed into Fort Wayne because it meets the annexation tests which have been established by the State Legislature. The area is more than one-eighth contiguous to the City of Fort Wayne, and the area is zoned entirely for commercial and industrial uses.

# MOELLER ROAD ANNEXATION



## CONTIGUITY

### CONTIGUOUS

A.	840'	D.	650'
B.	230'	E.	2675'
C.	1220'	F.	2590'

TOTAL 8205' (32%)

### NON-CONTIGUOUS

G.	1315'	L.	130'
H.	5110'	M.	3795'
I.	125'	N.	220'
J.	25'	O.	1500'
K.	1350'	P.	5285'

TOTAL 17305' (68%)

## SECTION FOUR

### Municipal Services

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The following section demonstrates how the City will satisfy the requirements of Indiana State Law in the equitable provision and financing of municipal services to the proposed Moeller Road Annexation. This section of the Fiscal Plan projects costs and methods of financing municipal services and how and when the City plans to extend non-capital services and capital improvements.

The municipal services described in this section are analyzed according to the needs of the Moeller Road Annexation Area, the costs of providing services, and funding sources. It should be noted that the costs of providing municipal services have been rounded off to the nearest dollar and are calculated at today's dollar value. Costs to provide municipal services to the Moeller Road Annexation Area will be inflated in the Financial Summary Section to reflect their value upon the proposed date of annexation.

As required by State Law the annexation area will receive planned services of non-capital nature in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density. Likewise, the annexation area will receive services of a capital improvement nature in the same manner as those services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density.

All services both of a non-capital nature and of a capital improvement nature described in the Municipal Services Section will be provided to the Moeller Road Annexation Area in a manner equivalent in standard and scope to those capital and non-capital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density, including but not limited to the Summit Industrial Park area described earlier as a comparable area to the Moeller Road Annexation.

#### A. Police

The services provided by the Fort Wayne Police Department include the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, and resolution of day-to-day conflicts among family, friends, neighbors, and the community. The Police Department is involved in legal work, such as participation in court proceedings and the protection of Constitutional rights. It is also responsible for the control of traffic and the promotion and preservation of civil order.

Statistics, including the number of calls for service and the average response times, were obtained from the Communications Department Computer Aided Dispatch System (CAD) to project service needs and costs in the proposed Moeller Road Annexation Area.

From these statistics it has been estimated that there will be 134 calls for service in the proposed annexation area annually. The proposed annexation area will be incorporated into Police District #7. However, this area will be subject to redistricting in accordance with the Police Department's *Target 2000* plan. With this number of calls for service, it has been determined that it will not be necessary to hire additional personnel to provide police service to the proposed annexation area.

The cost to provide police protection to this area will be \$2,100 annually. This cost is based on an officer's average hourly salary of \$19.91 multiplied by an estimated service time of 45 minutes spent per call for 134 calls. This yields a service cost of \$2,000. An additional 5 percent or \$100 cost for administrative functions is added to the above. This results in a total cost to the City of \$2,100.

Capital Cost:	\$0
Estimated Annual Cost:	\$2,100

## **B. Fire Protection**

The Fort Wayne Fire Department will be responsible for providing services to the Moeller Road Annexation Area immediately upon annexation. These services will include full fire suppression activities, fire prevention, EMS support response on life hazards, emergency hazardous materials response, public education and fire investigations.

Primary response to emergencies would come from Station #9 located at 2530 East Pontiac Street. Primary response time would be between five and eight minutes. Secondary response would come from Station #1 located at 419 East Main Street. Secondary response time would be between seven and nine minutes.

The Moeller Road area is adjacent to other City-covered areas. At the time this plan was prepared, it was estimated that there would be fifteen responses into the proposed annexation area. This estimation is based on responses to fire zones 166 and 167 located northwest of the proposed annexation area.

The average 1992 operating cost per service run is \$1,040. Therefore, the total cost for fire services would be approximately \$20,000 annually. There will be no need for additional equipment or personnel resulting from this annexation.

Capital Cost:	\$0
Estimated Annual Cost:	\$20,000

## **C. Emergency Medical Service (EMS)**

At the present time, Three Rivers Ambulance Authority is the only provider of ambulance service to City residents. Three Rivers Ambulance Authority is currently providing emergency medical services (life-threatening and non-life-threatening), and medical transporting of all persons within the community. Emergency responses are in conjunction with the local volunteer ambulance service with no required response times at present.

Using service run records over the past several years, as many as six EMS ambulances will be stationed at different locations throughout the community. Upon receiving a request for service from the annexation area, the ambulance closest to the area will be dispatched to the annexation area. In addition, for some emergencies such as heart attacks, the Fort Wayne Fire Department will provide extra assistance. Primary assistance will come from Station #9 located at 2530 East Pontiac Street. The Fire Department trains a number of its personnel so that each fire station has an emergency medical technician. Therefore, if needed, fire fighters are able to administer medical treatment to residents until an ambulance arrives.

The method of financing Emergency Medical Service is based on user fees. The current charges for ambulance service are show below:

1. \$120 plus \$5 per loaded mile for non-emergency transfer scheduled 24 hours in advance.
2. \$170 plus \$5 per loaded mile for non-scheduled non-emergency transfers.
3. \$380 plus \$7.50 per loaded mile for all emergencies for City and non-city residents plus a \$30 fee for emergency response.

This method of financing permits Three Rivers Ambulance Authority to extend service to the annexation area within its existing budget. No additional personnel or equipment will be needed to service the annexation area.

Capital Cost:	\$0
Estimated Annual Cost:	\$0

#### **D. Solid Waste Disposal**

The Solid Waste Department currently oversees garbage and non-freon appliance collection, yard waste collection, and curbside recycling within the City of Fort Wayne. Beginning on January 1, 1995, garbage collection will be provided by National Serv-All, and recycling and yard waste collection will be provided by Browning-Ferris Industries. These solid waste services will be paid for through a \$6.50 per month user fee per single family household and subsidized with property taxes.

In addition, the City currently contracts with Appliance Recycling Centers of America Inc. (ARCA) for freon-appliance removal. Residents of the Moeller Road area will be able to contact ARCA for collection and recycling of their freon appliances. The cost is \$35.00 per appliance.

Solid waste disposal services will be available to the residents of the proposed annexation area immediately upon annexation. It will not be necessary for the City to hire additional personnel or purchase additional equipment to provide these services.

Capital Cost:	\$0
Estimated Annual Cost:	\$0



## **E. Traffic Control**

The City's Traffic Engineering Department will assume responsibility for traffic control in the annexation area immediately after the effective date of annexation. Some of the services that can be provided by the department are surveys and investigations of traffic conditions and problems. The department also provides installation and maintenance of traffic control devices such as stop lights and control signs. The Traffic Engineering Department surveyed the proposed annexation area and has determined that additional signs are not required at this time.

Moeller Road and Meyer Road will require a total of 26,000 feet of centerline striping. At 6.7 cents per foot the total cost for the striping is estimated to be \$1,742. No additional personnel will need to be hired to service the Moeller Road Area.

Capital Cost:	\$1,742.00
Estimated Annual Cost:	\$0

## **F. Streets and Roads**

The incorporation of the Moeller Road Area will add 1.6 mile of minor arterial roads to the City's street system. Approximately 1.4 mile of these roads is classified in fair condition, and the remaining .2 mile is classified in poor condition.

The City of Fort Wayne Street Department is responsible for the general maintenance of the City's streets and roads. General maintenance includes leaf pick-up, street and berm maintenance, snow removal, street sweeping, right-of-way mowing, minor ditch maintenance, and guard rail repair. These services will be available to the proposed annexation area immediately upon the effective date of annexation.

The Street Department has determined that the annexation of the Moeller Road Area, in addition to other annexations on the southeast side of the City, will require the purchase of a one-ton truck. The total cost of this truck is \$30,000.

The average cost of street maintenance is \$5,912 per centerline mile of road. Annexation of the Moeller Road area will bring 1.6 miles of roads into the City. Therefore, the estimated annual cost for street maintenance is \$9,460.

Capital Cost:	\$30,000.00
Estimated Annual Cost:	\$9,460.00

## **G. Parks and Recreation**

Residents of the proposed annexation area will have access to McMillen Park--a 168 acre city park that offers picnic grounds, pavilions, tennis courts, an ice rink, swimming pool, and a golf course. In addition to McMillen Park, over 2,000 acres of public park facilities will continue to be available to residents of the annexation area.

Under the Fair Share policy adopted by the Board of Park Commissioners, non-city residents pay a 20% higher fee for use of city park facilities.

No additional personnel or equipment will be required as a result of this annexation.

Capital Cost: \$0

Estimated Annual Cost: \$0

#### **H. Water**

The Fort Wayne Water Utility is presently serving most of the proposed annexation area with both domestic and fire protection water service. Extension of water services to properties not presently being served will be considered once the property owners in the area petition for such service. There is an additional twelve-inch water main proposed to be added along Meyer Road as part of the Water Utility Master Plan. Property owners along Meyer Road who would be directly served by this new water main would be assessed for a portion of the installation cost.

Capital Cost: \$0

Estimated Annual Cost: \$0

#### **I. Fire Hydrants**

The City of Fort Wayne pays the Fort Wayne Water Utility \$221.26 annually for each hydrant located within the City. The City will pay the Water Utility for hydrant maintenance from the General Fund.

Currently, the Moeller Road Annexation Area contains nine fire hydrants. As a result, the City will pay the Water Utility \$1,991.34 annually after the area is annexed into the City.

Capital Cost: \$0

Estimated Annual Cost: \$1,991.00

#### **J. Sanitary Sewers**

The Fort Wayne Department of Water Pollution Control provides sanitary sewers to portions of the Moeller Road Annexation Area. The Department of Water Pollution Control will consider additional sanitary sewer installation upon petition by property owners. The City will provide engineering services as needed for additional sanitary sewers. Upon annexation, residents will be able to take advantage of the Barrett Bonding process which allows residents to make long-term, low-interest payments for their sewers.

Capital Cost: \$0

Estimated Annual Cost: \$0

#### **K. Storm Sewers**

Upon annexation, the Fort Wayne Department of Water Pollution Control (WPC) will consider storm sewer installation upon petition by property owners. The City will provide engineering services for such a project. Certain storm drainage improvements may be funded from the City's Storm Water Utility. Emergency and routine maintenance of public drainage systems which are up to City standards will be the responsibility of the City's Sewer Maintenance Department after annexation. The source of revenue city Utilities uses for providing these services will be the Storm Water Utility's drainage fees.

Capital Cost:	\$0
Estimated Annual Cost:	\$0

#### **L. Street Lighting**

It is the goal of the City to light every intersection in Fort Wayne in order to reduce night accidents, aid in police protection, facilitate traffic flow, and encourage community spirit and growth.

The Street Light Engineering Department has determined that four new street lights are required in the proposed annexation area. Installation costs will amount to \$750.00 per light or a total of \$3,000. Operating costs amount to \$95.00 per year per light or \$380.00 annually.

Operating costs will be paid by the City through the regular departmental budget. Any additional mid-block lighting, ornamental lighting, or underground wiring must be petitioned by the residents involved per State Statute. The residents would be assessed for the cost of such a project.

Capital Cost:	\$3,000.00 (third year after annexation)
Estimated Annual Cost:	\$380.00

#### **M. Animal Control**

The Fort Wayne Department of Animal Control will provide various services to the Moeller Road Annexation Area immediately upon the effective date of annexation. The services this department will provide include, but are not limited to, the sheltering of stray animals, response to animal complaints and emergencies, 24-hour service (seven days a week including holidays), canvassing for unconfined strays, trap rental, pet adoption, and a humane education program.

The total cost to provide Animal Control services to the Moeller Road Annexation Area will be negligible. No additional staffing or equipment needs are anticipated.

Capital Cost:	\$0
Estimated Annual Cost:	\$0

## **N. Administrative Services**

All administrative functions of the City of Fort Wayne will be available to the Moeller Road Annexation Area residents immediately upon the effective date of annexation. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Commission, the City Clerk's Office, and the Citizen's Advocate Office. General administration includes all of the regulatory and program functions for the various City departments. When the area is annexed, City departments will be notified and will expand their jurisdictional areas accordingly.

The costs of these services cannot be directly related to the size and population of an area. Consequently, this plan does not include cost estimates. However, expansion of administrative functions is possible. Funding comes from a variety of sources, including the General Fund and State and Federal Government.

Capital Cost:	\$0
Estimated Annual Cost:	\$0

## SECTION FIVE

### Plan for Hiring Governmental Employees Displaced by Annexation

It is not anticipated that, due to the annexation of the Moeller Road area, any governmental employees will be eliminated from other governmental agencies. However, if any government employee is displaced as a result of this annexation and makes application with the City of Fort Wayne for employment within thirty days after displacement, such employee will be treated as if the employee were a City employee on "lay-off" status for purposes of hiring for any vacant position similar to the government position from which the individual was displaced.

## SECTION SIX

### Financial Summary and Recommendation

---

The purpose of this section is to project the revenues and expenditures of the proposed Moeller Road Annexation Area. This section will also provide a five-year summary for the years 1996 to 2000 of the expenditures compared with the revenues.

#### A. Revenues

Property taxes are the main source of revenue to be received from the Moeller Road Annexation Area. Property taxes are computed from the gross amount of assessed valuation in the area which can be obtained from the office of the Adams Township Assessor. The formula for computing tax revenue is shown in Table 3.

Table 3: Tax Revenue Formula

$$\frac{V-E}{100} (T) = TR$$

Where:

V = Assessed Valuation

E = Home Mortgage Exemption (\$1,000)

T = City Tax Rate

TR = Tax Return

The total assessed value of the Moeller Road Annexation Area is \$3,462,341. In the above formula the home mortgage exemption is deducted from this total assessment. There are 5 residential structures within the proposed annexation area. Assuming that each one is eligible for a home mortgage exemption of \$1,000, the total taxable assessed valuation becomes \$3,457,341.

Property tax for 1994 can then be determined by applying the City tax rate to this figure (see Table 4) yielding a total property tax revenue of \$102,130. Using a 4.0 annual rate of inflation the property tax revenue for 1997, the first year taxes would be due in the Moeller Road Annexation Area, would be \$114,882. A portion of this revenue would be supplied from the State Property Tax Relief Fund.

The Moeller Road annexation will also enable the City to receive additional money from the Motor Vehicle Highway (MVH) and from the Local Arterial Roads and Streets (LARS) funds. These funds are allocated based on street miles. In 1993, the City received approximately \$8,116 per centerline street mile in combined MVH and LARS funds. This annexation will add 1.6 miles to the City's street system. Therefore, the City will receive an additional \$12,986 from MVH and LARS funds. The City will receive these funds annually beginning one year

after the effective date of annexation.

The following table shows the proposed annexation area's City taxing district rate.

**Table 4**  
**Taxing District Rate Ft. Wayne/Adams/New Haven Park/EASCS**

PTC (levied on 12 Adams Township)	0.1150
Corporation General	1.5893
Corporation Debt Service	0.3402
Fire Pension	0.1026
Police Pension	0.0970
Sanitary Officer Pension	0.0175
Fire	0.7883
Redevelopment General	0.0145
<b>Total</b>	<b>3.0644</b>

In addition to property taxes and highway funds, the City receives revenues from the Community Development Block Grant, the Cigarette Tax, County Option Income Tax, County Economic Development Tax, and the Alcoholic Beverage Tax. Some of these funds are based in part on the City's population. Since population is only one element of a very complex distribution formula, the direct contribution of the Moeller Road Annexation Area cannot be calculated. However, most of these funds will increase as the City population expands.

#### **B. Expenditures**

Expenditures which were reported in the Municipal Services section are summarized in Table 5. Capital costs are one-time expenditures and operating costs are continuing expenses. Since the needs of the annexation area must be treated equally with the needs of other similar areas in Fort Wayne, all capital improvement projects must follow routine City procedures which often require petitioning.

Table 5 on the following page details the costs that will be incurred by each department upon the annexation of the Moeller Road area. These costs do not reflect the inflation factor used to calculate the five-year revenue summaries shown in Table 6.

**Table 5: Expenditures**

<b>Department</b>	<b>Capital Cost</b>	<b>Annual Cost</b>
Police	\$0	\$2,100
Fire	0	20,000
EMS	0	0
Solid Waste Disposal	0	0
Traffic Control	1,742	0
Streets & Roads	30,000	9,460
Parks & Recreation	0	0
Water	0	0
Fire Hydrants	0	1,991
Sanitary Sewers	0	0
Storm Sewers	0	0
Street Lighting	3,000	380
Animal Control	0	0
Administrative Services	0	0
<b>Total</b>	<b>\$34,742</b>	<b>\$33,931</b>

### **C. Five Year Summary**

The five year summary shows the projected expenditures compared with the tax revenues expected in the Moeller Road Annexation Area for the first five years after it is incorporated into the City of Fort Wayne.

The summary includes for each of the five years a five percent inflation factor for capital expenditures, a four percent inflation factor for operating costs, and a four percent increase factor for City revenues. These inflation factors are provided by the City of Fort Wayne Controller's Office and have been derived through calculating the average expenditures and revenues over the past several years.

Property tax revenue from the annexation area will not be collected until 1997. Assuming the area is annexed in December of 1995, assessment will not occur until March of 1996 with revenues being collected in 1997. Since revenues are not collected for one year after the effective date of annexation, the City will experience a loss of \$71,695 in 1996. Table 6 details the revenues compared with the expenses for the Moeller Road Annexation area over the next five year period.



**Table 6: Revenues Minus Expenses**

Year	Expenditures	Property Tax Revenue	MVH & LARS	Balance
1996	71,695	0	0	(71,695)
1997	38,167	114,882	12,986	89,701
1998	43,340	119,477	12,986	89,123
1999	41,280	124,256	12,986	95,962
2000	42,931	129,227	12,986	99,281
<b>Total</b>	<b>237,413</b>	<b>487,842</b>	<b>51,944</b>	<b>302,373</b>

**D. Recommendation**

This Fiscal Plan, which meets the State Law requirements that a fiscal plan be prepared, shows that the Moeller Road Annexation is in accordance with the applicable state statutes. Therefore, it is recommended that after passage of the annexation ordinance and its approval by the Mayor, this area should be annexed by the City of Fort Wayne on December 31, 1995.

## APPENDIX

### Moeller Road Annexation Area Legal Description

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Part of Section 16, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the E 1/2 of Section 17, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the N 1/2 of Section 21, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, more particularly described as follows:

Beginning at the north quarter corner of said Section 16, said point also being the southwest corner of Sunnymede Woods Addition (Plat Book 16B, page 187, Office of the Allen County Recorder); thence southerly along the east line of the NW 1/4 of said Section 16, said line also being on the boundary of the East End Annexation (Ordinance No. X-01-90), to the northerly right of way of the Moeller Road; thence westerly along the northerly right of way of the Moeller Road and the northerly right of way of the Moeller Road projected westerly into said Section 17, said line also being on the boundary of said East End Annexation, to its intersection with the westerly right of way of the Meyer Road; thence southwesterly along the westerly right of way of the Meyer Road, said line also being on the boundary of said East End Annexation, to its intersection with the southerly right of way of the Consolidated Railroad Company (ie. Conrail) (formerly the Penn Central Railroad), said intersection also being the northerly right of way of the Moeller Road; thence northwesterly, westerly and northwesterly along the southerly right of way of Conrail, said line also being on the boundary of said East End Annexation, and also bounded in part by the northerly right of way of the Moeller Road to the northeast corner of an existing 1.60 acre tract recorded in Document No. 81-017695 in the Office of the Allen County Recorder, said point being 180.9 feet (measured on a line parallel with the south line of the NE 1/4 of said Section 17) east of the west line of the NE 1/4 of said Section 17 at said line's intersection with the southerly right of way of Conrail; thence southeasterly on a line through the E 1/2 of said Section 17 to a point on the west line of the SW 1/4 of said Section 16, said point being 200.00 feet north of the southwest corner of the SW 1/4 of said Section 16; thence easterly, parallel with the south line of the SW 1/4 of said Section 16 a distance of 1550.00 feet; thence southerly, parallel with the west line of the SW 1/4 of said Section 16 a distance of 200.00 feet to the south line of the SW 1/4 of said Section 16; thence southeasterly on a line through the N 1/2 of said Section 21 (said line defined at the westerly end as a point 1550.00 feet east of the northwest corner of said Section 21 and along the north line of the NW 1/4 of said Section 21 and at the easterly end as the intersection of southerly right of way of Conrail with the east line of the NE 1/4 of said Section 21) to its intersection with the westerly right of way of the Adams Center Road; thence northerly along the westerly right of way of the Adams Center Road to its intersection with the northerly right of way of Conrail; thence northwesterly along the northerly right of way of Conrail to its intersection with the east line of the W 1/2 of the SE 1/4 of said Section 16; thence northerly along the east line of the W 1/2 of the SE 1/4 of said Section 16 and the east line of the W 1/2 of the NE 1/4 of said Section 16 to the north line of the NE 1/4 of said Section 16 said point also being the southeast corner of said Sunnymede Woods Addition; thence westerly along the north line of the NE 1/4 of said Section 16, said line also being on the boundary of the City of New Haven,

Indiana's Sunnymede Annexation, to the point of beginning.



INDIANA LEGISLATIVE SERVICES AGENCY  
OFFICE OF CENSUS DATA  
200 W. WASHINGTON STREET  
STE. 301  
INDIANAPOLIS, IN 46204

November 20, 2002

Sandra E. Kennedy  
City Clerk, City of Fort Wayne  
City-County Building, Room 122  
Fort Wayne, In. 46802

Dear Ms. Kennedy

The Office of Census Data is in receipt of a copy of the following ordinance:

**X-01-95, and Cause No. 02A03-0111-CV-375**

X-94-12-13

We have enclosed a file stamped copy for your records. Although not required by the statute, we would like to request a map of the annexed area. These maps are used for organization of internal records and to determine if the census has mapped the area within or outside of the municipal boundaries of Fort Wayne.

Thank you for your attention in this matter.

Sincerely,

Maureen Bard

ANNEXATION ORDINANCE NO. X-01-95

FILED

APR 20 2002

AN ORDINANCE annexing certain territory commonly known as the Moeller Road Annexation Area to Fort Wayne and including the same in Councilmanic District No. 1.

OFFICE OF CENSUS DATA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT

WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 16, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the E 1/2 of Section 17, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the N 1/2 of Section 21, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, more particularly described as follows:

Beginning at the north quarter corner of said Section 16, said point also being the southwest corner of Sunnymede Woods Addition (Plat Book 16B, page 187, Office of the Allen County Recorder); thence southerly along the east line of the NW 1/4 of said Section 16, said line also being on the boundary of the East End Annexation (Ordinance No. X-01-90), to the northerly right of way of the Moeller Road; thence westerly along the northerly right of way of the Moeller Road and the northerly right of way of the Moeller Road projected westerly into said Section 17, said line also being on the boundary of said East End Annexation, to its intersection with the westerly right of way of the Meyer Road; thence southwesterly along the westerly right of way of the Meyer Road, said line also being on the boundary of said East End Annexation, to its intersection with the southerly right of way of the Consolidated Railroad Company (ie. Conrail) (formerly the Penn Central Railroad), said intersection also being the northerly right of way of the Moeller Road; thence northwesterly, westerly and northwesterly along the southerly right of way of Conrail, said line also being on the boundary of said East End Annexation, and also bounded in part by the northerly right of way of the Moeller Road to the northeast corner of an existing 1.60 acre tract recorded in Document No. 81-017695 in the Office of the Allen County Recorder, said point being 180.9 feet (measured on a line parallel with the south line of the NE 1/4 of said Section 17) east of the west line of the NE 1/4 of said Section 17 at said line's intersection with the southerly right of way of Conrail; thence southeasterly on a line through the E

## FOR PUBLICATION

ATTORNEYS FOR APPELLANTS,  
REMONSTRATORS:

JAMES P. FENTON  
ALAN L. VERPLANCK  
Eilbacher Scott, P.C.  
Fort Wayne, Indiana

ATTORNEY FOR APPELLEE  
CITY OF FORT WAYNE:

J. TIMOTHY MCCAULAY  
Helmke, Beams, Boyer & Wagner  
Fort Wayne, Indiana



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### IN THE COURT OF APPEALS OF INDIANA

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IN RE: THE MATTER OF THE ANNEXATION )  
PROPOSED BY ORDINANCE NO. X-01-95 )  
BEING AN ORDINANCE TO ANNEX CERTAIN )  
TERRITORY TO THE CITY OF FORT WAYNE )  
AND TO INCLUDE SAME IN COUNCILMANIC )  
DISTRICT NUMBER 1 )  
(MOELLER ROAD ANNEXATION). )  
)

No. 02A03-0111-CV-375

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APPEAL FROM THE ALLEN CIRCUIT COURT  
The Honorable Thomas L. Ryan, Judge  
Cause No. 02C01-9503-CP-277

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July 10, 2002

OPINION - FOR PUBLICATION

BAKER, Judge

FILED

NOV 20 2002

OFFICE OF CENSUS DATA



## MEMORANDUM

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TO: City Council Members  
FROM: Gary Stair, Planning Director  
RE: Moeller Road Annexation  
DATE: December 8, 1994

X-94-12113

The Moeller Road Annexation Area is located east of the City of Fort Wayne along Moeller Road. The proposed annexation area is approximately 371 acres in size and contains 5 residential structures, 12 commercial structures, and 13 industrial structures. The assessed value of this area is approximately \$3,462,341. It is estimated that this area will generate a net revenue of approximately \$300,000 during the first five years after its incorporation into the City.

The proposed annexation area is zoned entirely for industrial and commercial uses and is over 12.5 percent contiguous to the City of Fort Wayne.

This annexation will be presented to the Planning Commission at its December 19 Public Hearing. The proposed effective date for the Moeller Road Annexation is December 31, 1995.

The Moeller Road Annexation includes the remaining territory covered in the "Hands Off" agreement entered into with the City of New Haven in 1990. The City of Fort Wayne has exclusive rights to annex into this area up until the agreement expires January 18, 1995. After this deadline, annexation into this area could be initiated by the City of New Haven. Therefore, it is important that this annexation be approved by Council prior to January 18, 1995.

If you have any questions or concerns regarding this annexation, please contact Andrew Dobson or Pamela Holocher at 427-1140.

**DIGEST SHEET**

**Title of Ordinance:**

Moeller Road Annexation

**Department Requesting Ordinance:**

Planning Department

**Synopsis of Ordinance:**

Would allow annexation of a 371 acre area of land east of the City limits along Moeller Road.

**Effect of Passage:**

Annexation of the Moeller Road area into the City of Fort Wayne would take place December 31, 1995.

**Effect of Non-Passage:**

Annexation of the Moeller Road area would not take place.

**Money Involved (direct costs, expenditures, savings):**

See Moeller Road fiscal plan.

**Assigned to Committee (President):** \_\_\_\_\_





## MEMORANDUM

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TO: City Council Members  
FROM: Gary Stair, Planning Director  
RE: Moeller Road Annexation  
DATE: January 9, 1995

The Moeller Road Annexation Area is located east of the City of Fort Wayne along Moeller Road. The proposed annexation area is approximately 371 acres in size and contains 5 residential structures, 12 commercial structures, and 13 industrial structures. The assessed value of this area is approximately \$3,462,341. It is estimated that this area will generate a net revenue of approximately \$300,000 during the first five years after its incorporation into the City.

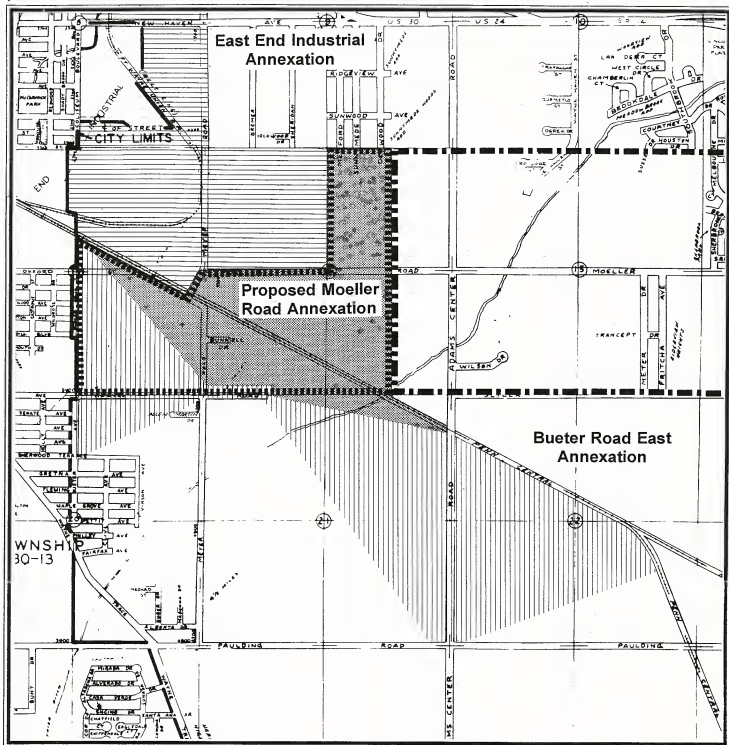
The proposed annexation area is zoned entirely for industrial and commercial uses and is over 12.5 percent contiguous to the City of Fort Wayne.

The Moeller Road Annexation includes the remaining territory covered in the "Hands Off" agreement entered into with the City of New Haven in 1990 (see attached map). The City of Fort Wayne has exclusive rights to annex into this area up until the agreement expires January 18, 1995. After this deadline, annexation into this area could be initiated by the City of New Haven. Therefore, it is important that this annexation be approved by Council prior to January 18, 1995.

The Moeller Road Annexation is recommended by the Planning Department for three reasons. First, this area was recommended for annexation in the *Annexation Policy and Program Study* prepared by the Planning Department in 1975. Second, this area is the only remaining territory in Fort Wayne's Hands Off Area. Finally, the voluntary Bueter Road annexation will create confusing City boundaries, and the Moeller Road Annexation will remedy this situation.

If you have any questions or concerns regarding this annexation, please contact Andrew Dobson or Pamela Holocher at 427-1140.

# MOELLER ROAD ANNEXATION



## LOCATION

Fort Wayne's  
Hands Off Area



New Haven's  
Hands Off Area





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

January 13, 1995

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of January 17 & January 24, 1995, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Annexation Ordinance No. X-01-95  
Annexation Area of Moeller Road

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 10th day of January, 19 95, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-94-12-13 Annexation  
Ordinance No. X-01-95 to-wit:

Bill No. X-94 - 12-13

ANNEXATION ORDINANCE NO. X- 01-95

AN ORDINANCE annexing certain territory commonly known as the Moeller Road Annexation Area to Fort Wayne and including the same in Councilmanic District No. 1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 16, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the E 1/2 of Section 17, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the N 1/2 of Section 21, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, more particularly described as follows:

Beginning at the north quarter corner of said Section 16, said point also being the southwest corner of Sunnymede Woods Addition (Plat Book 16B, page 187, Office of the Allen County Recorder); thence southerly along the east line of the NW 1/4 of said Section 16, said line also being on the boundary of the East End Annexation (Ordinance No. X-01-90), to the northerly right of way of the Moeller Road; thence westerly along the northerly right of way of the Moeller Road and the northerly right of way of the Moeller Road projected westerly into said Section 17, said line also being on the boundary of said East End Annexation, to its intersection with the westerly right of way of the Meyer Road; thence southwesterly along the westerly right of way of the Meyer Road, said line also being on the boundary of said East End Annexation, to its intersection with the southerly right of way of the Consolidated Railroad Company (i.e. Conrail) (formerly the Penn Central Railroad), said intersection also being the northerly right of way of the Moeller Road; thence northwesterly, westerly and northwesterly along the southerly right of way of Conrail, said line also being on the boundary of said East End Annexation, and also bounded in part by the northerly right of way of the Moeller Road to the northeast corner of an existing 1.60 acre tract recorded in Document No. 81-017695 in the Office of the Allen County Recorder, said point being 180.9 feet (measured on a line parallel with the south line of the NE 1/4 of said Section 17) east of the west line of the NE 1/4 of said Section 17 at said line's intersection with the southerly right of way of Conrail; thence southeasterly on a line through the E 1/2 of said Section 17 to a point on the west line of the SW 1/4 of said Section 16, said point being 200.00 feet north of the southwest corner of the SW 1/4 of said Section 16; thence easterly, parallel with the south line of the SW 1/4 of said Section 16 a distance of 1550.00 feet; thence southerly, parallel with the west line of the SW 1/4 of said Section 16 a distance of 200.00 feet to the south line of the SW 1/4 of said Section 16; thence southeasterly on a line through the N 1/2 of said Section 21 (said line defined at the westerly end as a point 1550.00 feet east of the northwest corner of said Section 21 and along the north line of the NW 1/4 of said Section 21 and at the easterly end as the intersection of southerly right of way of Conrail with the east line of the NE 1/4 of said Section 21) to its intersection with the westerly right of way of the Adams Center Road; thence northerly along the westerly right of way of the

Adams Center Road to its intersection with the northerly right of way of Conrail; thence northwesterly along the northerly right of way of Conrail to its intersection with the east line of the W 1/2 of the SE 1/4 of said Section 16; thence northerly along the east line of the W 1/2 of the SE 1/4 of said Section 16 and the east line of the W 1/2 of the NE 1/4 of said Section 16 to the north line of the NE 1/4 of said Section 16 said point also being the southeast corner of said Sunnymede Woods Addition; thence westerly along the north line of the NE 1/4 of said Section 16, said line also being on the boundary of the City of New Haven, Indiana's Sunnymede Annexation, to the point of beginning.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance. Two copies of said plan are on file in the office of the Clerk of the City of Fort Wayne and are available for inspection as required by law.

SECTION 4. That said described territory shall be temporarily assigned to Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended. This assignment is subject to redistricting pursuant to I. C. 36-4-6-3 (g).

SECTION 5. That, after adoption and any and all necessary approval by the Mayor, this Ordinance shall be published as provided for in I. C. 36-4-3-7. The above mentioned territory shall become part of the City of Fort Wayne on December 31, 1995. In the event of litigation challenging the ordinance, the territory shall become part of the City on the earlier of either December 31, 1995, or the first 28th day of February following any final judicial decisions resolving any legal challenge to the ordinance in favor of the City.

Janet G. Bradbury  
Council Member

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six  
Henry, Long, Lunsey, Ravine, Schmidt,  
Talarico  
NAYS: None  
ABSTAINED: One  
GlaQuinta  
ABSENT: Two  
Bradbury, Edmonds

DATED: 1-10-95

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-95 on the 10th day of January, 1995

ATTEST:

SEAL

Sandra E. Kennedy  
City Clerk

Donald J. Schmidt  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of January, 1995, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 13th day of January, 1995, at the hour of 2:00 o'clock A.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-95, passed by the Common Council on the 10th day of January, 19 95, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of January, 19 95, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of January, 19 95.

SEAL

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Notice is hereby given that on the 10th day of January, 1995, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill NO. X-04-12-13 Annexation Ordinance No. X-01-95 to-wit:

Bill No. X-04-12-13  
ANNEXATION ORDINANCE NO. X-01-95  
AN ORDINANCE annexing certain territory commonly known as the Mosier Road Annexation Area to Fort Wayne and including the same in Councilmanic District No. 1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 16, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the E 1/2 of Section 17, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, and part of the N 1/2 of Section 21, T30N, R13E, 2nd P.M., Adams Civil Township, Allen County, Indiana, more particularly described as follows:

Beginning at the north quarter corner of said Section 16, said point also being the southwest corner of Sunnymede Woods Addition (Plat Book 16B, page 187, Office of the Allen County Recorder, thence southerly along the east line of the NW 1/4 of said section 16, said line also being on the boundary of the East End Annexation (Ordinance No. X-01-88) to the northerly right of way of the Mosier Road; thence westerly along the northerly right of way of the Mosier Road and the northerly right of way of the Mosier Road projected westerly into said Section 17, said line also being on the boundary of said East End Annexation; to its intersection with the westerly right of way of the Meyer Road, thence southerly along the westerly right of way of the Meyer Road, said line also being on the boundary of said East End Annexation; to its intersection with the southerly right of way of the Consolidated Railroad Company (a, Conrail (formerly the Penn Central Railroad), said intersection also being the northerly right of way of the Mosier Road, thence northwest-westerly along the southerly right of way of Conrail, said line also being on the boundary of said East End Annexation, and also bounded in part by the northerly right of way of the Mosier Road to the northeast corner of an existing 1.60 acre tract recorded in Document No. 81-017650 in the office of the Allen County Recorder, said point being 180.0 feet (measured on a line parallel with the south line of the NE 1/4 of said Section 17) at the west line of the NE 1/4 of said Section 17 at said line's intersection with the southerly right of way of Conrail, thence southerly on a line through the E 1/2 of said Section 17 to a point on the West line of the SW 1/4 of said Section 16, said point being 200.00 feet north of the southwest corner of the SW 1/4 of said Section 16, thence easterly, parallel with the south line of the SW 1/4 of said Section 16 a distance of 1550.00 feet; thence southerly, parallel with the west line of the SW 1/4 of said Section 16 a distance of 200.00 feet to the south line of the SW 1/4 of said Section 16, thence southerly on a line through the N 1/2 of said Section 21 to a point on the north line of the NW 1/4 of said Section 21 and at the easterly end as the intersection of southerly right of way of Conrail with the east line of the NE 1/4 of said Section 21, to its intersection with the westerly right of way of the Adams Center Road, thence northerly along the westerly right of way of the Adams Center Road to its intersection with the northerly right of way of Conrail, thence northwesterly along the northerly right of way of Conrail to its intersection with the east line of the W 1/2 of the SE 1/4 of said Section 16, thence northerly along the east line of the W 1/2 of the SE 1/4 of said Section 16 and the east line of the W 1/2 of the NE 1/4 of said Section 16 to the north line of the NE 1/4 of said Section 16, said point also being the southwest corner of said Sunnymede Woods Addition; thence westerly along the north line of the NE 1/4 of said Section 16, said line also being on the boundary of the City of New Haven, Indiana's Sunnymede Annexation, to the point of beginning.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is consistent with standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon passage of this Ordinance. Two copies of said plan are on file in the office of the Clerk on the City of Fort Wayne and are available for inspection as required by law.

SECTION 4. That said described territory shall be temporarily assigned to councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended. This assignment is subject to reassignment pursuant to I.C. 36-3-3-3 (g).

SECTION 5. That, after adoption and any and all necessary approval by the Mayor, this Ordinance shall be published as provided for in I.C. 36-4-3-7. The above mentioned territory shall become part of the City of Fort Wayne on December 31, 1995. In the event of litigation challenging the ordinance, the territory shall become part of the City on the earlier of either December 31, 1995, or the first 28th day of February following any final judicial decisions resolving any legal challenge to the ordinance in favor of the City.

Janet G. Bradbury  
Council Member

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six  
Henry, Long, Lunsney, Ravine, Schmidt, Talalico  
NAYS: None  
ABSTAINED: One  
Garcia  
ABSENT: Two  
Bradbury, Edmonds  
DATED: 1-10-95

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, at Annexation Ordinance No. X-01-95 on the 10th day of January, 1995.

ATTEST:

Sandra E. Kennedy  
City Clerk

Donald J. Schmidt  
Presiding Officer

Presented by me to the mayor of the City of Fort Wayne, Indiana, on the 11th day of January, 1995, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 13th day of January, 1995, at the hour of 2:00 o'clock A.M., E.S.T.

Paul Hermka  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of annexation Ordinance No. X-01-95, as passed by the Common Council on the 10th day of January, 1995, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of January, 1995, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13th day of January, 1995.

ward of Accounts  
Init)  
County, Indiana

General Form No. 99P (Revised 1987)  
To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN  
Dr.

PUBLISHER'S CLAIM

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columns wide equals 205 equivalent lines

\$ 101.48

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publication (\$1.00 for each proof in excess of two)

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\$ 102.48

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and penalties of Chapter 155, Acts 1953,

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JULIE L ROHYANS

, 19 95 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

1-18-25-1995

JULIE L ROHYANS

Subscribed and sworn to before me this 22th day of JAN , 19 95.

MARY L ADKISON  
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA ALLEN COUNTY



To:

The Journal-Gazette

Dr.

ALLEN \_\_\_\_\_ County, Indiana

P.O. Box 100  
Fort Wayne, IN

### PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

### COMPUTATION OF CHARGES

205 lines, 1 columns wide equals 205 equivalent lines  
at 495 cents per line

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

#### DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 2  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JAN 25, 19 95

Title: \_\_\_\_\_ Clerk

### PUBLISHER'S AFFIDAVIT

State of Indiana )  
 ) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L. ROHANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time           , the dates of publication being as follows:

1-18-25-1995

Subscribed and sworn to before me this 25th day of JAN, 19 95

My commission expires: NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP. JUNE 14, 1997

[illegible]





FW COMMON COUNCIL  
(Governmental Unit)

To: The News-Sentinel Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Julie L. Mohrman*

Clerk

Date: JAN 25, 19 95

Title:

## PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L. MOHRMAN who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 1-18-25-1995, the dates of publication being as follows:

1-18-25-1995

*Julie L. Mohrman*

Subscribed and sworn to before me this 25th day of JAN, 19 95.

*Mary L. Adkison*  
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997

